



UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO.	FILING DATE	FIRST-NAMED INVENTOR	ATTORNEY, DOCKET NO.
09/469,972	12/21/99	DENKER	M 54741USA1A.D

IM52/1025

OFFICE OF INTELLECTUAL PROPERTY COUNSEL
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EXAMINER

POE, M

ART UNIT

PAPER NUMBER

1732

DATE MAILED:

10/25/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary

	Application No.	Applicant(s)
	09/469,972	DENKER ET AL.
	Examiner Michael I. Poe	Art Unit 1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 December 1999.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-90 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) 1-90 are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention:
 - A. the embodiment including actively imparting a machine direction cooling gradient to the stretched film in an effective amount to improve the uniformity of spacing of the driven and idler clips (apparently claims 1-48 and 71-90);
 - B. the embodiment including imparting a machine direction cooling gradient to the stretched film in an effective amount to reduce the value of idler clip lag from the value of idler clip lag in the absence of cooling (apparently claims 49-60); and
 - C. the embodiment including imparting a machine direction cooling gradient to the stretched film in an effective amount to improve the downweb caliper uniformity relative to the downweb caliper uniformity in the absence of cooling (apparently claims 61-70).

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Currently, no claims are generic.

This application further contains claims directed to the following patentably distinct subspecies of the claimed and disclosed invention of species A:

- A1. the embodiment of species A wherein the film is an amorphous film (apparently claims 12 and 36); and
- A2. the embodiment of species A wherein the film is a semi-crystalline film (apparently claims 13-25, 37-48 and 71-90).

If applicant elects species A, applicant is further required under 35 U.S.C. 121 to elect a single disclosed subspecies of species A for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-11 and 26-35 are generic to both subspecies A1 and A2 of species A.

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This application further contains claims directed to the following patentably distinct subspecies of the claimed and disclosed invention of subspecies A2 of species A:

- A21. the embodiment of subspecies A2 wherein the film is a semi-crystalline, vinyl polymer, polyethylene film (apparently claims 19 and 43); and
- A22. the embodiment of subspecies A2 wherein the film is a semi-crystalline, vinyl polymer, polypropylene film (apparently claims 20-25, 44-48, 77-80 and 87-90).

If applicant elects species A and subspecies A2, applicant is further required under 35 U.S.C. 121 to elect a single disclosed subspecies of subspecies A2 of species A for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 17, 18, 41, 42 and 81-86 are generic to both subspecies A21 and A22 of subspecies A2 of species A.

This application further contains claims directed to the following patentably distinct subspecies of the claimed and disclosed invention of species B:

- B1. the embodiment of species B wherein the film is an amorphous film (disclosed only); and
- B2. the embodiment of species B wherein the film is a semi-crystalline film (apparently claims 57-60).

If applicant elects species B, applicant is further required under 35 U.S.C. 121 to elect a single disclosed subspecies of species B for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 49-56 are generic to both subspecies B1 and B2 of species B.

This application further contains claims directed to the following patentably distinct subspecies of the claimed and disclosed invention of subspecies B2 of species B:

- B21. the embodiment of subspecies B2 wherein the film is a semi-crystalline, vinyl polymer, polyethylene film (disclosed only); and
- B22. the embodiment of subspecies B2 wherein the film is a semi-crystalline, vinyl polymer, polypropylene film (apparently claims 57-60).

If applicant elects species B and subspecies B2, applicant is further required under 35 U.S.C. 121 to elect a single disclosed subspecies of subspecies B2 of species B for prosecution on the merits to

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which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic to both subspecies B21 and B22 of subspecies B2 of species B.

This application further contains claims directed to the following patentably distinct subspecies of the claimed and disclosed invention of species C:

- C1. the embodiment of species C wherein the film is an amorphous film (disclosed only); and
- C2. the embodiment of species C wherein the film is a semi-crystalline film (apparently claims 67-70).

If applicant elects species C, applicant is further required under 35 U.S.C. 121 to elect a single disclosed subspecies of species C for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 61-66 are generic to both subspecies C1 and C2 of species C.

This application further contains claims directed to the following patentably distinct subspecies of the claimed and disclosed invention of subspecies C2 of species C:

- C21. the embodiment of subspecies C2 wherein the film is a semi-crystalline, vinyl polymer, polyethylene film (disclosed only); and
- C22. the embodiment of subspecies C2 wherein the film is a semi-crystalline, vinyl polymer, polypropylene film (apparently claims 67-70).

If applicant elects species C and subspecies C2, applicant is further required under 35 U.S.C. 121 to elect a single disclosed subspecies of subspecies C2 of species C for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic to both subspecies C21 and C22 of subspecies C2 of species C.

Applicant is advised that a reply to this requirement must include an identification of the species and subspecies that are elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an

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allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael I. Poe whose telephone number is 703-306-9170. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jan H. Silbaugh can be reached on 703-308-3829. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7718 for regular communications and 703-305-7718 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Michael Poe/mip
October 24, 2001


JAN H. SILBAUGH
SUPERVISORY PATENT EXAMINER
ART UNIT 1732

10/24/01